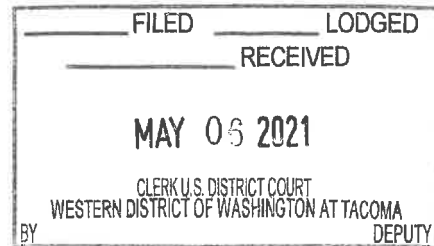


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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Michael Leroy Carmon

CASE NO. 3:21-cv-05333-BHS
[to be filled in by Clerk's Office]

COMPLAINT FOR A CIVIL CASE

Jury Trial: ☒ Yes ☐ No

Plaintiff(s),

v.

Keurig Dr. Pepper Corporation

Jasmine Grissom

Sterling Hatch

Defendant(s).

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Michael Leroy Carmon
Street Address	10011 Bridgeport Way SW #237
City and County	Lakewood - Pierce County
State and Zip Code	Washington 98499
Telephone Number	253-517-0729

JHE-016659 \$ 402.-

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1 B. Defendant(s)

2 Provide the information below for each defendant named in the complaint, whether the
 3 defendant is an individual, a government agency, an organization, or a corporation. For an
 4 individual defendant, include the person's job or title (if known). Attach additional pages if
 5 needed.

6 Defendant No. 1

7 Name Keurig Dr. Pepper Corporation
 8 Job or Title (if known) _____
 9 Street Address 3324 142nd Ave. Suite 200
 10 City and County Sumner - Pierce
 11 State and Zip Code Washington 98390
 12 Telephone Number 253-447-9222

13 Defendant No. 2

14 Name Jasmine Grisson
 15 Job or Title (if known) HR Director - Human Resource
 16 Street Address 3324 142nd Ave. Suite 200
 17 City and County Sumner - Pierce
 18 State and Zip Code Washington 98390
 19 Telephone Number 253-447-9222

20 Defendant No. 3

21 Name Sterling Hatch
 22 Job or Title (if known) General Manager
 23 Street Address 3324 142nd Ave. Suite 200
 24 City and County Sumner - Pierce
 State and Zip Code Washington 98390
 Telephone Number 253-447-9222

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Defendant No. 4

Name

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

II. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Title 18 U.S.C. Section #241 - Conspiracy against rights

Title 18 U.S.C. Section #242 - Deprivation of rights under color

of law

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B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual.

The plaintiff (name) Michael Leroy Carmon, is a citizen of the State of (name) Washington.

b. If the plaintiff is a corporation.

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual.

The defendant, (name) Keurig Dr. Pepper Corp., is a citizen of the State of (name) Washington. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation.

The defendant, (name) Keurig Dr. Pepper Corp., is incorporated under the laws of the State of (name) Washington, and has its principal place of business in the State of (name) Washington.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) United States.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

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1 3. The Amount in Controversy.

2 The amount in controversy-the amount the plaintiff claims the defendant owes or the
3 amount at stake-is more than \$75,000, not counting interest and costs of court, because (*explain*):

4 lost wages, 401k benefits, medical costs and coverage paid into
5 profit shares.
6 _____

7
8 **III. STATEMENT OF CLAIM**

9 *Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.*

10 _____

11 Suspended/terminated by Keurig Dr. Pepper. Covid virus was concern

12 _____

13 of Plaintiff, Company had no concern of employee interest in

14 Covid 19.

15 _____

16 **IV. RELIEF**

17 *State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.*

18 _____

19 Plaintiff is asking interest, lost wages, medical, 401k contribu-

20 tions and punitive damages for humiliation of dignity and character

21 _____

22 \$5 million damages

23 _____

24 **V. CERTIFICATION AND CLOSING**

 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my
 knowledge, information, and belief that this complaint: (1) is not being presented for an improper

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purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
 (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or
 reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so
 identified, will likely have evidentiary support after a reasonable opportunity for further
 investigation or discovery; and (4) the complaint otherwise complies with the requirements of
 Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related
 papers may be served. I understand that my failure to keep a current address on file with the
 Clerk's Office may result in the dismissal of my case.

Date of signing:

MAY 6, 2021

Signature of Plaintiff

Michael Leroy Carmon

Printed Name of Plaintiff

Michael Leroy Carmon

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Michael Carmon**
10011 Bridgeport Way SW #237
Lakewood, WA 98499

From: **Seattle Field Office**
909 First Avenue
Suite 400
Seattle, WA 98104-1061



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2020-24382

Joslyn Burchett,
Investigator

(206) 576-3023

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

for

Nancy A. Sienko,
Director

March 10, 2021

(Date Issued)

Enclosures(s)

cc: **KEURIG GREEN MOUNTAIN, INC.**
Attn: Human Resources
3324 142nd Avenue East, Suite 200
Sumner, WA 98390

See something – Say something – Policy

On approximate date Oct/Nov 2019 a woman died inside the warehouse of Keurig Dr. Pepper! I heard it said that she informed people she did not feel well. I did see the ambulance arrive. Production was stopped and all employees were asked to go into the break room.

Once inside the break room we were informed: If you see something, say something. It is very important.

On March 3, 2020 at approximately 7:30 – 8:00 p.m. I told team member Leroy, Bello and Tammy I needed to go to the men's bathroom. Upon entering the bathroom I noticed Leke standing in front of the sink, wet towel on his face and head. I repeatedly asked, are you okay? He never answered me. As I went to wash my hands I thought about Covid 19. I had already touched the water faucet and I panicked. Touching the door knob was frightening – I could not get out of there fast enough. I immediately went to the first work station to call about a person sick in the bathroom. I was confronted by Jimmy Beard about hairnet. I tried to ignore him. I wear a bald head. We argued – hairnet was not important. My only concern was the Covid virus. I returned to the work area, told Bello, Leroy and Tammy what I saw inside the bathroom and Leke did not respond when I asked if he was okay.

I was called into the office with Patrick and another supervisor, told I would be suspended. Waited to hear from Personnel Director Jasmine Grissom/Sterling Hatch, General Manager. Was told in three days, 72 hours I needed to speak to legal department about future employment. I was never contacted until May 2020. March 10, 2020, Covid 19 was declared a world-wide pandemic. One week later I was not contacted until May 18, 2020.

Employment Security Department, Olympia, Washington was never given sufficient information about my employment with Keurig Dr. Pepper.

The woman who died at Keurig Dr. Pepper inside the warehouse did work in the area where I was confronted by Jimmy Beard.

It can be assumed she died of Covid 19 – however it was not detected in early Oct/Nov 2019. People said she had complained she was not feeling well and was ignored!

After my termination/suspension I was told from several employees there was someone who did contract the Covid virus in work area plo#57 area. I tried to call to report the incident in the bathroom at Keurig Dr. Pepper.

Numerous occasions I can recall not feeling well and I would ask to leave and was denied. "We need you to stay."

I was treated with indifference as a Black man at Keurig Dr. Pepper.

Michael Gary Carmon – May 5, 2021

Sent via FedEx

May 28, 2020

Michael Carmon
10011 Bridgeport Way SW
#237
Lakewood, WA 98499

Dear Michael:

This letter is written to inform you that we will be ending your employment at Keurig Dr Pepper (Keurig), effective May 28, 2020. Your final paycheck will be mailed directly to you and will include a payment representing hours of accrued and unused Combined Time Off (CTO). Keurig is requesting you return any company property assigned to you, to my attention.

Keurig will continue your health, dental and vision benefits until May 31, 2020 (last calendar day of this month). After that point you will be contacted, in writing, by Benefitsolver, our vendor, to provide you with notification about your rights to continue participation in our group health insurance through an exercise of COBRA rights.

Keurig will pay for you to attend up to three (3) outplacement sessions with our Employee Assistance Provider. The sessions should be used prior to August 31, 2020 (3 months from term month). The toll free number is 1-800-327-4573. Your sessions are confidential.

Please refer to the attached Benefits and Pay Summary for U.S. Exiting Employees for how your status change affects each of your benefits.

I thank for your service to Keurig and wish you well in your future endeavors.

Best regards,



Jasmine Grissom
Human Resource Manager
Keurig Dr Pepper
Enclosures: Benefits Summary; Confidentiality Agreement

SE



TRANSMISSION VERIFICATION REPORT

TIME : 03/19/2020 13:54
 NAME : 0932
 FAX : 2539839898
 TEL : 2539839191
 SER.# : U63314D6J251832

DATE, TIME 03/19 13:52
 FAX NO./NAME 18003011796
 DURATION 00:01:49
 PAGE(S) 03
 RESULT OK
 MODE STANDARD

**Employment Security Department**

WASHINGTON STATE

P.O. Box 9046, Olympia, WA 98507

Date: Mar 17 2020
 Letter ID: L0012098699
 Claimant ID: TTCZ6L

3775

MICHAEL L. CARMON
 10011 BRIDGEPORT WAY SW 237
 LAKEWOOD WA 98499-2332



54001002-003775-01-00000000

Dear MICHAEL CARMON:

Separation from a job

You must respond to this letter by Mar 26 2020.

We need you to answer the questions below. Then we will decide whether we can pay or continue to pay you unemployment benefits. If you don't respond by the deadline, we'll use the information we have to make our decision. This means we might not pay you unemployment benefits, and you might have to pay back benefits you already received.

What you need to do

We have more questions about when you were fired from your former job at GREEN MOUNTAIN COFFEE.

Either you or your former employer reported you were fired because you violated a standard of behavior. Answer the questions below and send us back this letter on eServices or mail or fax it to:

Employment Security Department
 P.O. Box 9046
 Olympia, WA 98507-9046
 Fax: (800) 301-1796
 Toll Free: (800) 318-6022

If you decide to answer the questions on eServices, you don't have to mail or fax in your response.

1. Did you work for this employer? ☒ Yes ☐ No

MAY 19, 2020

ATTENTION

JASMINE GRISSOM - HUMAN RESOURCES MANAGER
AND WHOM IT MAY CONCERN.

ON APPROX DATE MARCH 5-6 WHENEVER IT WAS, YOU AND
STEPH LING MATCH, TELEPHONE ME, YOU INDICATED YOU NEED
SPEAK WITH YOUR LEGAL DEPT, AS TO MY CONTINUE EMPLOYMENT
WITH KEURIG DR PEPPER!

YOU SAID I WOULD BE NOTIFY WITHIN 2-3 DAYS OF THE
SITUATION OF MY EMPLOYMENT WITH KEURIG DR PEPPER!

WELL THAT WAS TWO AND A HALF MONTHS AGO!
AND TWO MONTHS AGO, I ALSO SOUGHT LEGAL ADVICE!

ON MARCH 17, 2020 EMPLOYMENT SECURITY DEPT
REQUESTED ADDITIONAL INFORMATION FROM ME.

IT IS CLEARLY STATED WE HAVE MORE QUESTIONS ABOUT
I MICHAEL CARMONE WAS FIRED FROM YOUR FORMER SOB
AT GREEN MOUNTAIN COFFEE!

AND YES I DID SUBMIT ADDITIONAL FACTS ON MY BEHALF
TO WASHINGTON STATE SECURITY DEPT FAX ON 3/19/2020
TIME 13:54

CONTINUE OVER

YES I CLEARLY STATED IN MY RESPONSE TO EMPLOYMENT
SECURITY DEPT P.O. BOX 9046, OLYMPIA WA. 98507

I WOULD BE FILING / SUBMIT A COMPLAINT AGAINST
KEURIG DR. PEPPER!

FOR RACIAL DISCRIMINATION, HOSTILE WORK PLACE
ENVIRONMENT, DIFFERENTIAL TREATMENT, OF A BLACK MAN
THESE FACTS CAN AND WILL BE PROVE BY PAST
EMPLOYEES AND MANY PRESENT EMPLOYEES

YES I ALSO CONSULTED LEGAL ADVICE ALSO
WHICH BEGAN 3/22/2020.

YES LEGAL ACTION IS IN PROGRESS

FURTHERMORE YOUR LETTER DATED MAY 18, 2020
IS AN DIRECT INSULT UPON MY INTELLIGENCE

I AM A BLACK MAN WHO DOES NOT NEED
KEURIG DR. PEPPER FOR MY LIVELYHOOD

SINCERELY

MR MICHAEL LEEY CARMA

MAY 19, 2020

May 18, 2020

Michael Carmon
10011 Bridgeport Way SW
#237
Lakewood, WA 98499

Dear Michael,

We have attempted to contact you regarding returning to work. To our knowledge, you have not made an attempt to contact HR, your supervisor or the call-out line to report your absences and we have not been advised of a need or request for a leave of absence under Keurig's Family Medical Leave Act policy or any other leave policies. Per the company's Attendance Policy, any absences of three consecutively scheduled work days without proper communication will be considered voluntary termination of your employment.

We request that you connect with us immediately upon receipt of this letter but no later than 5 DAYS FROM May 18, 2020 by 5:00pm. If we do not receive a response from you, we will assume you have voluntarily abandoned your position here at Keurig. Even if you do make contact, please be advised that, absent exceptional circumstances, your absences will be treated according to the company's Attendance Policy. You can contact me at 757-242-0762 or by email at jasmine.grissom@kdrp.com.

Sincerely,



Jasmine Grissom, MS, PHR, SHRM-CP
Human Resources Manager

cc: Employee Personnel file 